

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William Begeny	Team: Team # 1	CCRB Case #: 200703857	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 02/11/2007 12:15 AM	Location of Incident: East 86th Street between Seaview Avenue and Avenue N	Precinct: 69	18 Mo. SOL 8/11/2008	EO SOL 8/11/2008	
Date/Time CV Reported Tue, 03/20/2007 10:38 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 03/20/2007 10:38 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 James Williams	06664	919867	NARCBBS
2. SGT Brian Nyhus	00974	922882	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A.DT3 James Williams	Abuse: Det. James Williams stopped § 87(2)(b)	
B.SGT Brian Nyhus	Abuse: Sgt. Brian Nyhus stopped § 87(2)(b)	
C.DT3 James Williams	Discourtesy: Det. James Williams spoke obscenely and rudely to § 87(2)(b)	
D.SGT Brian Nyhus	Discourtesy: Sgt. Brian Nyhus spoke obscenely and rudely to § 87(2)(b)	
E.DT3 James Williams	Abuse: Det. James Williams searched § 87(2)(b)	
F.SGT Brian Nyhus	Abuse: Sgt. Brian Nyhus searched § 87(2)(b)	
G.DT3 James Williams	Abuse: Det. James Williams searched the car in which § 87(2)(b) was an occupant.	

Synopsis

§ 87(2)(b) filed the following complaint with the CCRB by telephone on March 20, 2007, on behalf of her son, § 87(2)(b)

At approximately 12:15 AM, on February 11, 2007, § 87(2)(b) and § 87(2)(b) were driving in the vicinity of Avenue N and 80th Street in Queens when they ran a stop sign and nearly collided with an unmarked Jeep, occupied by Det. James Williams and Sgt. Brian Nyhus of Narcotics Borough Brooklyn South. The officers, who did not want to reveal their NYPD status in that area, followed the vehicle for several blocks. § 87(2)(b) then stopped his vehicle on his own accord on a residential street. The plainclothes officers then exited their RMP and approached the stopped vehicle (**Allegations A and B**). Det. Williams observed the driver, § 87(2)(b) place something into his pants pocket, but he did not see what the object was. Sgt. Nyhus approached the passenger, § 87(2)(b). Det. Williams informed the occupants that they had been seen running a stop sign and nearly collided with the officers, stating, “we nearly shitted ourselves” (**Allegation C**). Det. Williams asked § 87(2)(b) to step out of the vehicle, to which he complied. Sgt. Nyhus ordered § 87(2)(b) to exit the vehicle as well, and allegedly stated, “Get out of the fucking car” (**Allegation D**). Det. Williams asked § 87(2)(b) if he was in possession of any contraband, § 87(2)(g)

§ 87(2)(b). Det. Williams then searched § 87(2)(b) and obtained two bags of marijuana from his pants pocket (**Allegation E**). At the same time, Sgt. Nyhus allegedly searched § 87(2)(b) (**Allegation F**). Det. Williams then briefly searched the lungable areas of the vehicle, as Sgt. Nyhus stood with the civilians (**Allegation G**). No other contraband was found inside of the vehicle. § 87(2)(b) was then placed under arrest and transported to the 69th Precinct stationhouse where he was charged with § 87(2)(b). § 87(2)(b) was not arrested or summonsed.

§ 87(2)(g)
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Summary of Complaint

§ 87(2)(b)

§ 87(2)(b) a § 87(2)(b) old Black male with black hair and brown eyes, standing at 5'10" and weighing 165 lbs., made an official statement at the CCRB on April 3, 2007. He had also made a preliminary phone statement on March 23, 2007, three days after his mother, § 87(2)(b) filed a complaint on his behalf. (Encl. 4A-4E)

At approximately 7:00 PM on February 10, 2007, § 87(2)(b) purchased two bags of marijuana and placed them inside his pants pockets. From 7:00 PM until 12:10 AM, the following day, § 87(2)(b) did not remove the bags of marijuana from his pockets or smoke any marijuana.

At approximately 12:10 AM on February 11, 2007, § 87(2)(b) and his friend, § 87(2)(b) were driving his mother's white 1998 Altima (LP# § 87(2)(b) in the vicinity of Avenue M and Remsen Avenue in Brooklyn. § 87(2)(b) was sitting in the passenger seat. He turned onto Avenue M and drove towards Paerdegat Avenue. An unmarked Jeep in front of § 87(2)(b) determined by the investigation to be occupied by Det. James Williams and Sgt. Brian Nyhus from Narcotics Borough Brooklyn South, was driving very slowly. The Jeep had already been driving this route before § 87(2)(b) stopped at the red light, and he soon caught up and drove behind them. § 87(2)(b) stated that the Jeep

was driving below the speed limit, at approximately 15 to 20 MPH. § 87(2)(b) stated that he was driving approximately 30 MPH. The Jeep then pulled to the curb, as if they were parking. The Jeep let them pass without any communication or honking. § 87(2)(b) then drove to East 86th Street and took a left. He did not see the Jeep following him. When he approached the stop sign on the corner of East 86th Street and Avenue N, he came to a complete stop, then continued. He parked approximately two houses away from a friend's house on East 86th Street, between Seaview Avenue and Avenue N. He parked less than two minutes and approximately four blocks away from when he passed the Jeep. He did not know that the Jeep was being driven by police officers.

§ 87(2)(b) and § 87(2)(b) sat in the vehicle, with the engine running, for approximately two minutes while waiting for more of his friends to arrive at the house so that they could go to a party. At this point § 87(2)(b) heard tapping on his window and saw that two plainclothes police officers were near his vehicle, one on each side. Det. Williams was tapping on the driver's window with a flashlight. Sgt. Brian Nyhus was shining his flashlight into the vehicle from the passenger side as Det. Williams asked § 87(2)(b) for his license and registration. Det. Williams then asked § 87(2)(b) if he knew why he was being pulled over. § 87(2)(b) said to the investigator that he was thinking that he was not pulled over, since he had already stopped on his own, but he did not say this. § 87(2)(b) replied, "No." Det. Williams stated, "Well, you ran a stop sign and almost blasted me and my partner, and we almost shitted on ourselves." § 87(2)(b) said, "OK," and provided his license and registration. Det. Williams then asked § 87(2)(b) "Do you have anything that you're not supposed to have?" § 87(2)(b) answered that he did not. Sgt. Nyhus asked § 87(2)(b) to step out of the vehicle. Sgt. Nyhus commenced to search his person and empty his pockets. He placed his possessions, such as keys and a wallet, onto the sidewalk. Det. Williams then asked § 87(2)(b) to step out of the vehicle, and he complied. Det. Williams then searched § 87(2)(b)'s person by putting his hands into all of his pants and jacket pockets. He removed a bag of marijuana from § 87(2)(b)'s front left pants pocket. Det. Williams asked § 87(2)(b) how many bags he had on him, to which he replied, "Two." Det. Williams then asked him if he had anything else on him that he is not supposed to have, to which he replied, "No." Det. Williams asked § 87(2)(b) if he was lying again, because the last time he was lied to he was stabbed in his hand. § 87(2)(b) said that he was not lying this time.¹ Det. Williams removed the second bag of marijuana from his pocket. The officers then brought § 87(2)(b) and § 87(2)(b) to the back of his vehicle, where § 87(2)(b) saw that the officers were driving the Jeep that he had passed a few minutes earlier. The officers never told § 87(2)(b) why he had been searched.

Det. Williams returned to the vehicle and entered through the driver's door, which had been left open. He commenced to search the front interior of the vehicle, but § 87(2)(b) was made to turn around so he did not see exactly where he was looking. He stated that Det. Williams did not see him remove anything. Det. Williams then exited the vehicle and returned to the back of the car, where Sgt. Nyhus had been standing with them during the search. § 87(2)(b) stated that, by this point, about seven or eight friends were watching and some were complaining that what the officers were doing was wrong. § 87(2)(b) stated that he remained quiet. Sgt. Nyhus asked § 87(2)(b) if he had any drugs on him, too. § 87(2)(b) did not want § 87(2)(b) to get into trouble as well, so he quickly answered for him and said, "No." Det. Williams returned to the back of the vehicle and asked the sergeant, "What do you think we should do?" There was a moment of silence and then Det. Williams turned § 87(2)(b) around and handcuffed him. Nothing had been said between the officers after the question. § 87(2)(b) was not arrested. § 87(2)(b) gave his keys to § 87(2)(b) who parked the vehicle approximately one to two blocks away.

§ 87(2)(b) stated that his arrest report mentioned that he had the marijuana in public view, and that the arrest took place approximately 10 blocks away from where it actually occurred. The arrest report states that the arrest took place on Paerdegat 5 and East 80th Street, while § 87(2)(b) stated that it took place on East 86th Street between Avenue N and Seaview Avenue, and that he did not have the marijuana in public view at any point. § 87(2)(b) stated that he did not go to that area or pass by it on the night in question.

¹ § 87(2)(g)

Results of Investigation

Civilian Statements

§ 87(2)(b)

§ 87(2)(b) provided a statement at the CCRB on April 20, 2007. (Encl.5A-5F) § 87(2)(b) is a § 87(2)(b) year-old Black male with short black hair and brown eyes, standing at 6' and weighing 165 lbs. § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) was a passenger in his friend § 87(2)(b)'s vehicle when they stopped on East 86th Street and Avenue L to pick up marijuana, approximately five to ten minutes before they were pulled over. § 87(2)(b) exited the vehicle and entered an alleyway, where he purchased the drugs. § 87(2)(b) did not observe the purchase, but believed that § 87(2)(b) purchased three bags. From the time of the purchase, § 87(2)(b) did not remove the bag of marijuana at any time. They then made a "broken U-turn" on 86th and Avenue L and drove up to East 91st Street at about 40-45 MPH, where he made a right. § 87(2)(b) stated that § 87(2)(b) "didn't really stop at the stop sign," which caused a Jeep in front of them to "skid a little," because they thought that they might collide, "but it wasn't anything too severe." § 87(2)(b) explained that § 87(2)(b) came to a quick stop beyond the lines parallel to the stop sign. The cars were approximately 8 feet apart from each other. They then let the Jeep drive in front of them. After driving behind the Jeep for a short distance, § 87(2)(b) passed the Jeep because it was driving slowly (about 10-20 MPH). They then drove up to East 86th Street between Seaview Avenue and Avenue N. They parked approximately two houses away from their friend's house, approximately 40 seconds after they passed the Jeep.

At an unspecified time, § 87(2)(b) placed rolling papers under his passenger seat.

Two White male plainclothes officers approached § 87(2)(b)'s vehicle, one on each side. Det. James Williams knocked on the driver's window with his flashlight while Sgt. Brian Nyhus shined it inside the vehicle. They were accused of driving dangerously, and Det. Williams said that they had run a stop sign a few blocks before and "I almost shitted on myself." Det. Williams asked if § 87(2)(b) had "anything on him," to which he said, "No."

Sgt. Nyhus ordered § 87(2)(b) out of the vehicle. He asked why, and Sgt. Nyhus said, "Get out of the fucking car." § 87(2)(b) said, "Just do it," and § 87(2)(b) exited the vehicle.

Sgt. Nyhus then commenced to search § 87(2)(b) by digging through his pockets and frisking his legs and chest, while Det. Williams searched § 87(2)(b) on the driver's side. Sgt. Nyhus removed a piece of chapstick from § 87(2)(b)'s pocket and dropped it on the ground, but nothing else was removed from his pockets.

Sgt. Nyhus then walked the two men towards the back of the vehicle, where they were told to face away from the vehicle. § 87(2)(b) stated that he saw Det. Williams enter through both the front doors, which were already open. He believed that Det. Williams removed a pack of rolling papers that § 87(2)(b) had placed underneath the passenger seat, because he later saw that they had been placed on the back bumper of the vehicle. He stated that he entered the vehicle and appeared to be looking through the contents of the front area, but § 87(2)(b) admitted that he could not see for certain what he was doing.

§ 87(2)(b) was then handcuffed and placed in the back of the Jeep, but § 87(2)(b) was not arrested. Two other cars, occupied by their friends, had arrived on the block during the incident. There were approximately two people in each car. He stated that two people were stepping in and out of their friend's house, but they did not appear to be watching the incident. He stated that their friend's did not interact with the officers, other than "Samori," later identified from the investigation as § 87(2)(b) who asked why § 87(2)(b) was arrested. The officers then transported § 87(2)(b) to the precinct, and § 87(2)(b)

and Samori parked his car approximately two blocks away. He stated that neither he nor § 87(2)(b) searched through the vehicle or moved things around.

§ 87(2)(b) and § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) provided cursory telephone statements on April 11, 2007. They did not sign a verification statement or appear to the CCRB to provide sworn statements. These phone conversations were not recorded § 87(2)(g). Several additional attempts were made to contact both individuals for further information about the case. The undersigned called § 87(2)(b) and left him messages on May 24, 2007 and June 7, 19, and 24, 2007. On June 19, 2007, § 87(2)(b) was briefly questioned about his observations, and he articulated that he saw an officer searching § 87(2)(b) though he could not provide any further details at the time of the call. The undersigned also called § 87(2)(b) on June 28, 2007, who stated that he recalled officers searching § 87(2)(b)'s vehicle, but did not remember any further details about the incident (Encl. 6A-7A).

Officer Statements

Det. James Williams

Det. Williams is a White male with brown hair and brown eyes, standing at 5'5" and weighing 190 lbs. On February 11, 2007, Det. Williams was in plainclothes, assigned to Narcotics Enforcement, and was partnered with Sgt. Brian Nyhus in unmarked RMP #§ 87(2)(e), § 87(2)(b). He worked 1727 x 0200. Det. Williams is a 10-year veteran of the NYPD.

Memo Book: Det. James Williams

Det. Williams noted in his memo book that at 12:15 AM, on February 11, 2007, he effected the arrest of one individual in the vicinity of Paerdegat 5 and 80th Street.

Arrest Report: Det. James Williams

Det. Williams arrested § 87(2)(b) for § 87(2)(a) 160.50. He wrote in the details of his arrest, "§ 87(2)(a) 160.50." There was no further information about the circumstances of the arrest. Sgt. Nyhus supervised and approved the arrest (Encl. 8B-8D).

Misdemeanor Narcotics Possession Fact Sheet: Det. James Williams

§ 87(2)(a) 160.50

Supporting Deposition: Det. James Williams

§ 87(2)(a) 160.50

CCRB Statement: Det. James Williams

On May 15, 2007, Inv. Azios interviewed Det. James Williams of Narcotics Borough Brooklyn South at the CCRB. (Encl. 9A-9B)

At approximately 12:15 AM on February 11, 2007, Det. Williams and Sgt. Nyhus were driving in the vicinity of Avenue L and 80th Street in Brooklyn. A white sedan, later determined from the investigation to be occupied by § 87(2)(b) and § 87(2)(b) drove through a stop sign without stopping and nearly collided with their unmarked RMP. The officers then followed behind the vehicle for approximately 10 blocks. During this time, Det. Williams and Sgt. Nyhus observed that the vehicle seemed to be driving erratically, and making turns at a high rate of speed. Det. Williams stated that they did not stop the vehicle immediately after observing the driving infraction because they were assigned to Narcotics Enforcement, and they did not want to reveal their identity as officers to anyone in that area. Additionally, their RMP did not possess turret lights or a siren. Therefore, they followed the vehicle until it came to a stop at Paerdegat

5 and East 80th Street, where they double-parked approximately 20 feet from a group of 7 or 8 males, who later turned out to be their friends.

The officers immediately exited their vehicle and approached the civilian vehicle, with Det. Williams going to the driver's door and Sgt. Nyhus going to the passenger door. While approaching the vehicle, Det. Williams observed that the driver, later identified as § 87(2)(b) looked back at him and quickly placed "something" inside of his pants pocket, but was unable, at that time, to distinguish what that "thing" was. He stated that he saw § 87(2)(b) place the object, later determined to be a bag of marijuana, as he was approaching him on the driver's side. Det. Williams stated that he had good visibility of the driver.

Sgt. Nyhus spoke with the occupant in front passenger seat, later identified as § 87(2)(b). Det. Williams informed the passengers that they were police officers and that they had ran a stop sign and almost collided with their vehicle. Det. Williams asked § 87(2)(b) to step out of the vehicle, to which he complied. He then asked § 87(2)(b) what he had just placed in his pocket, and he responded that he had marijuana in his pocket. Det. Williams then searched § 87(2)(b) and retrieved two bags of marijuana. He had not smelled marijuana or observed any signs of intoxication.

Det. Williams did not see or hear about § 87(2)(b) being searched at any point. He did not hear what he spoke about with Sgt. Nyhus. Det. Williams stated that neither officer, at any point, used offensive language.

Det. Williams stated that, after having the two occupants stand near the RMP with Sgt. Nyhus, he commenced to search the lungeable areas of the vehicle, but did not retrieve any more contraband. He did not recall removing any objects from the vehicle. He did not discuss conducting the vehicle search with Sgt. Nyhus beforehand.

The officers then placed § 87(2)(b) under arrest for § 87(2)(a) 160.50, but allowed § 87(2)(b) to go. Det. Williams stated that he probably would have released § 87(2)(b) without a summons if he had not been in possession of marijuana.

When asked about the discrepancy concerning the location of the arrest, Det. Williams stated that he did not have any interaction with the occupants at East 86th Street between Seaview Avenue and Avenue N. He stated that at the site of the arrest, § 87(2)(b)'s friends approached the police after the arrest was made. One male asked why § 87(2)(b) had been arrested, and Det. Williams told him that he was being charged with § 87(2)(a) 160.50. The officers then left the scene.

Sgt. Brian Nyhus

On May 15, 2007, Sgt. Brian Nyhus of Narcotics Borough Brooklyn South was interviewed at the CCRB. (Encl.) Sgt. Nyhus is a White male with red hair and blue eyes, standing at 6'3" and weighing 215 lbs. On February 11, 2007, Sgt. Nyhus was in plainclothes, assigned to as a supervisor to Narcotics Enforcement, and was partnered with Det. James Williams in unmarked RMP #§ 87(2)(e), § 87(2)(b). He worked 1725 x 0200. Sgt. Nyhus is a 9-year veteran of the NYPD.

Memo Book: Sgt. Brian Nyhus

Sgt. Nyhus reported in his memo book that at 12:25 AM, one individual was arrested in the vicinity of Avenue N and East 80th Street.

Sgt. Nyhus' CCRB statement was consistent with Det. Williams,' except where noted (Encl. 11A-11B).

At approximately 12:15 AM on February 11, 2007, Sgt. Brian Nyhus and Det. James Williams were driving in the vicinity of Avenue L and 80 Street in Brooklyn when a vehicle with two occupants ran a stop sign and nearly caused a collision with their RMP. The vehicle, driven by § 87(2)(b) traveled perpendicular to the officer's path. The officers did not pull the vehicle over immediately because they only had one red turret light, and it was difficult for them to conduct a vehicle stop. Due to the difficulty, the officers decided to wait first and allow the car to stop on its own. After following the vehicle for

approximately one minute, the officers observed that the driver was weaving “a little bit” on the road. The officers decided to pull him over considering that the driver might have been intoxicated. Once the officers decided to pull the car over, the vehicle double-parked then stopped on its own accord on a residential street in front of a house.

Sgt. Nyhus observed several individuals in the street, and at an unspecified time throughout this encounter the individuals in the street spoke to the men being arrested, although Sgt. Nyhus did not know if the men in the street had a pre-existing relationship with the occupants of the vehicle.

The officers immediately exited their RMP and approached the vehicle with their shields displayed. Sgt. Nyhus walked to passenger side and Det. Williams walked to the driver’s side. Sgt. Nyhus and Det. Williams immediately ordered both individuals inside the vehicle to exit, which they then did. Sgt. Nyhus spoke with the male in the front passenger seat, later identified as § 87(2)(b) as Det. Williams spoke with the driver, § 87(2)(b). Sgt. Nyhus did not recall how many times he or Det. Williams instructed the individuals to exit the vehicle. Both individuals exited the vehicle.

Upon exiting the vehicle, § 87(2)(b) had his hand inside his pocket. Sgt. Nyhus asked § 87(2)(b) to remove his hand from his pocket so that he could see that he was not concealing a weapon. § 87(2)(b) complied with Sgt. Nyhus’s request. Sgt. Nyhus stated that he did not frisk or search § 87(2)(b). Sgt. Nyhus did not observe Det. Williams conduct a frisk or search. He stated that after Det. Williams placed § 87(2)(b) under arrest for § 87(2)(a) 160.50, he frisked him incident to the arrest.

Sgt. Nyhus stated that § 87(2)(b) voluntarily provided the marijuana to Det. Williams. He stated that he was informed, after the fact, that Det. Williams did not search § 87(2)(b) but rather that § 87(2)(b) voluntarily reached inside his own pocket and gave the marijuana to Det. Williams. Sgt. Nyhus did not observe this take place.

Sgt. Nyhus stated that he did not witness the vehicle being searched. He stated that had Det. Williams searched the vehicle, it would have been in the “lungeable area.” He later stated that he did see Det. Williams enter the vehicle after § 87(2)(b) was placed under arrest and the marijuana was recovered and proceed to search only the “lungeable area.”

Sgt. Nyhus stated that he believed that arrest took place at Avenue N and East 80th Street, and did not have any interaction with the civilians at East 86th Street between Seaview Avenue and Avenue N. However, he stated that his memo book entry concerning the location could be incorrect.

At no point did either officer use any profanity or say, “We almost shitted on ourselves.” Sgt. Nyhus did not recall if he or Det. Williams had any interaction with any of the other individuals in the vicinity of the location.

Roll Call

The Brooklyn South Narcotics Division Module shows that Det. James Williams and Sgt. Brian Nyhus were scheduled as partners on February 10 through 11, 2007. (Encl. 12A)

Conviction History

§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Substantiated CCRB allegations that resulted in the imposition of discipline

Det. James Williams and Sgt. Brian Nyhus, with 10 and 9-year tenures with the NYPD, respectively, have no substantiated CCRB allegations. (Encl. 2A-2C)

Conclusions and Recommendations

Officer Identification

On all accounts, Det. James Williams interacted with § 87(2)(b) and Sgt. Nyhus interacted with § 87(2)(b) and Det. Williams searched the vehicle. § 87(2)(g)

Undisputed Facts

It is undisputed that § 87(2)(b) and § 87(2)(b) were stopped and questioned by Det. Williams and Sgt. Nyhus. § 87(2)(b) was in possession of marijuana. Det. Williams obtained two bags of marijuana. Det. Williams searched the vehicle, pursuant to the arrest of § 87(2)(b) § 87(2)(b) was not arrested or summonsed.

Disputed Facts

§ 87(2)(g)

Assessment of Evidence

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Both § 87(2)(b) and § 87(2)(b) stated that the marijuana did not leave § 87(2)(b)'s pocket since the time he purchased it. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Det. Williams, § 87(2)(b) and § 87(2)(b) were consistent with the fact that Det. Williams asked § 87(2)(b) specifically if he had “anything on him” or “had anything he was not supposed to have.” Both § 87(2)(b) and § 87(2)(b) stated that § 87(2)(b)’s reply was “No,” though Det. Williams stated that § 87(2)(b) admitted to possessing marijuana.

Upon the approach of the vehicle, both § 87(2)(b) and § 87(2)(b) were consistent with Det. Williams’s comment, “We almost shitted ourselves.” § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) did not specifically state that Sgt. Nyhus told § 87(2)(b) to get out of the “fucking” car. Sgt. Nyhus denied using any profanity at any time. § 87(2)(g)

§ 87(2)(a) 160.50

However, in his CCRB interview, he clearly stated that he did not observe the marijuana, but that rather he saw only “something” being placed in § 87(2)(b)’s pocket. He also stated that he only decided to search him once § 87(2)(b) admitted to his possession. No police documents indicate that § 87(2)(b) told Det. Williams that he had marijuana, and that that was the basis of the search. Sgt. Nyhus § 87(2)(g) stated that Det. Williams never searched § 87(2)(b) at all, but rather that § 87(2)(b) removed the marijuana himself and gave it too the detective. This too, was not reported in any police documentation. Additionally, Det. Williams stated that he did not smell marijuana or believe that § 87(2)(b) was intoxicated once interacting with him. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) both stated that when § 87(2)(b) was asked if he was in possession of marijuana, he denied it. Det. Williams stated that when he asked § 87(2)(b) directly what was inside his pocket, § 87(2)(b) admitted to being in possession of marijuana. § 87(2)(g)

Both § 87(2)(b) and § 87(2)(b) both stated that Sgt. Nyhus searched § 87(2)(b) immediately after he was ordered to exit the vehicle and at the same time § 87(2)(b) was searched. § 87(2)(b) also clearly stated that an officer searched § 87(2)(b) § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation A: Det. James Williams stopped § 87(2)(b)

Allegation B: Sgt. Brian Nyhus stopped § 87(2)(b)

It was established that § 87(2)(b) was observed committing a moving violation, which prompted the officers to follow his vehicle until he stopped without the police indicating for him to do so. Once stopped, and as the officers approached § 87(2)(b)'s vehicle, § 87(2)(b) and § 87(2)(b) both moved in a quick manner, § 87(2)(b) to conceal marijuana inside his pocket, and § 87(2)(b) to hide rolling papers underneath the passenger seat. Kamins states that "a police officer has the right to order a passenger out of a vehicle." § 87(2)(g)

Allegation C: Det. James Williams spoke obscenely and rudely to § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) In the NYPD v. Williams, OATH index number 293/92, Administrative Law Judge Ray Kramer held that the "propriety of words must be judged with regard to the mores of the community and the realities of life in New York City." In NYPD v. Williams, the court found that the officers' statement that she would "knock her fucking teeth out" and told the complainant that she was not the complainant's "fucking mother," was lawful. They based this decision on the basis that the remarks "were not aimed solely at belittling, denigrating or personally insulting the complainant" (Encl. 1A). § 87(2)(g)

Allegation D: Sgt. Brian Nyhus spoke obscenely and rudely to § 87(2)(b)

§ 87(2)(g)

Allegation E: Det. James Williams searched § 87(2)(b)

§ 87(2)(g)

Allegation F: Sgt. Brian Nyhus searched § 87(2)(b)

§ 87(2)(g)

Allegation G: Det. James Williams searched the car in which § 87(2)(b) was an occupant.

§ 87(2)(g)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date: